

95TH CONGRESS
1ST SESSION

H. R. 5544

IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 1977

MR. UDALL (for himself and Mr. HARRIS) introduced the following bill; which was referred jointly to the Committees on Rules and Post Office and Civil Service

A BILL

To provide for the referral of certain bills, resolutions, and other matters to the Committee on Post Office and Civil Service of the House of Representatives and to provide for a limitation on and the coordination of positions which may be placed in GS-16, GS-17, and GS-18, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That (a) this section is enacted by the Congress as an exer-
- 4 cise of the rulemaking power of the House of Representa-
- 5 tives, subject to and with full recognition of the power of the
- 6 House of Representatives to enact or change any rule of the
- 7 House at any time in its exercise of its constitutional right to
- 8 determine the rules of its proceedings.

1 (b) (1) Upon the introduction in the House of Repre-
2 sentatives of any bill, resolution, or other matter any part
3 of which relates to any position in, or other matter relating
4 to, the Federal civil service which is within the jurisdiction
5 of the Committee on Post Office and Civil Service of the
6 House, the Speaker of the House shall provide for the referral
7 of the part involved to the Committee on Post Office and Civil
8 Service and for such concurrent or sequential referral as
9 the Speaker considers appropriate.

10 (2) The chairman of any committee of the House con-
11 sidering any bill, resolution, or other matter any part of
12 which—

13 (A) relates to any position in, or matter relating
14 to, the Federal civil service which is within the juris-
15 diction of the Committee on Post Office and Civil Serv-
16 ice, and

17 (B) has not been considered by the Committee on
18 Post Office and Civil Service,

19 shall, after such matter is reported to the House and before
20 it is considered by the House, notify the chairman of the
21 Committee on Post Office and Civil Service and the Speaker
22 that such part is being so considered. Upon receiving such
23 notification, the Speaker shall refer such part to the Com-
24 mittee on Post Office and Civil Service.

1 tion 5108 of title 5, United States Code, relating to special
2 authority to place positions at GS-16, GS-17, and GS-18
3 are hereby repealed.

4 (2) Notwithstanding the provisions of any law (other
5 than section 5108 of such title 5), the authority granted to
6 an agency (within the meaning of section 5102 (a) (1) of
7 such title 5) under any such provisions to place one or more
8 positions in GS-16, GS-17, or GS-18 is hereby terminated.

9 (3) Subsection (a) of section 5108 of title 5, United
10 States Code, is amended to read as follows: "A majority
11 of the civil service commissioners may establish, and from
12 time to time revise, the maximum numbers of positions (not
13 to exceed an aggregate of 5,915) which may be placed in
14 GS-16, GS-17, and GS-18 at any one time. However, under
15 this authority, not to exceed 25 percent of the aggregate
16 number may be placed in GS-17 and not to exceed 12 per-
17 cent of the aggregate number may be placed in GS-18. A
18 position may be placed in GS-16, GS-17, or GS-18 only
19 by action of a majority of the civil service commissioners."

20 (b) (1) Notwithstanding the provisions of any other
21 provision of law (other than section 3104 of title 5, United
22 States Code), the authority granted to an agency (within
23 the meaning of section 5102 (a) (1) of such title 5) to
24 establish scientific or professional positions outside of the
25 General Schedule is hereby terminated.

1 (2) Section 3104 of title 5, United States Code, is
2 amended by striking out subsections (a) and (b) and insert-
3 ing in lieu thereof the following:

4 “(a) A majority of the Civil Service Commissioners
5 may establish, and from time to time revise, the maximum
6 number of scientific or professional positions (not to exceed
7 1,238) for carrying out research and development functions
8 which require the services of specially qualified personnel
9 which may be established outside of the General Schedule.
10 Any such position may be established only by action of a
11 majority of the Civil Service Commissioners.”.

12 (3) Subsection (c) of such section 3104 is amended—

13 (A) by striking out “(c)” and inserting in lieu
14 thereof “(b)” ; and

15 (2) by striking out “to establish and fix the pay
16 of positions under this section and” and inserting in lieu
17 thereof “to fix under section 5361 of this title the pay
18 for positions established under this section”.

19 (c) (1) The provisions of subsections (a) and (b) shall
20 not apply with respect to any position so long as the individ-
21 ual occupying such position on the day before the date of
22 the enactment of this Act continues to occupy such position.

23 (2) The Civil Service Commissioners—

24 (A) in establishing under section 5108 of title 5,

1 United States Code, the maximum number of provisions
2 which may be placed in GS-16, GS-17, and GS-18, and
3 (B) in establishing under section 3104 of such
4 title 5 the maximum number of scientific or professional
5 positions which may be established,
6 shall take into account positions to which paragraph (1) of
7 this subsection applies.

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By Mr. UDALL and Mr. HARRIS

MARCH 23, 1977

Referred jointly to the Committees on Rules and Post
Office and Civil Service

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STATINTL

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OFFICIAL ROUTING SLIP											
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ACTION				DIRECT REPLY				PREPARE REPLY			
APPROVAL				DISPATCH				RECOMMENDATION			
COMMENT				FILE				RETURN			
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Remarks: Jeff - I have no problem with this response - CIA is excluded in Title 5 Ch 5102 and would continue to be excluded under the provisions of this Bill - [REDACTED]											
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SENDER WILL CLASSIFY MESSAGE			
UNCLASSIFIED	CONFIDENTIAL	SECRET	
OFFICIAL ROUTING SLIP			
TO	NAME AND ADDRESS	DATE	INITIALS
1	Frank	8/16	WJH
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Remarks: <p>Is para 3 right?</p> <p>Jo</p> <p>Jeff disagrees with our reading. ! our text is uneasy. many</p>			
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ROUTING AND RECORD SHEET

SUBJECT: (Optional)

H.R. 5544

FROM:

OLC 5E-11

EXTENSION

5479

NO.

DATE

27 July 1977

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

2.

C/Review

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DBS

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C/Review Staff

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The hearings will begin in September on H.R. 5544 so we would appreciate your views in order to draft a letter to OMB.

STATINTL

6 to 8: An analysis of Title 5 Chapter 5102 Section A(a)(1), and the provisions of HR 5544 clearly indicates that the Director's authority to establish and fix the rates of pay of supergrade positions remains in tact. HR 5544 applies only to Government Departments that meet the definition of an "agency" in Title 5, 5102, in which CIA is expressly excluded. See lines 4 thru 8 on pg 3 of the bill.

STATINTL

DBS can complete this